Notice of Allowability	Application No.	Applicant(s)	
	10/682,355	ROTHBARTH ET AL.	
	Examiner	Art Unit	
	Ellen C. Tran	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *26 July 2007 and 17 September 2007*.

2. ☒ The allowed claim(s) is/are *1,4-11,13,22 and 23*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 21 March 2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *17 Sept. 2007* .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Ellen Tran
ELLEN TRAN
PATENT EXAMINER
ART 2134

DETAILED ACTION

1. In response to amendment filed on 26 July 2007 and Examiner Initiated Interview on 17 September 2007. Claims 2, 3, 12, and 14-21 are canceled. Claims 1, 4, 6, 8, 9, and 22 have been amended. Claim 23 is new. Amendments to the claims are accepted.

2. An examiner's amendment to the record is attached. Please enter entire claim set. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The examiner's amendment was authorized by attorney of record Frank R. Agovino in a phone interview on 17 September 2007 and confirming email sent on 18 September 2007.

Response to Arguments

3 Applicant's arguments filed 26 July 2007 have been fully considered and they are persuasive.

Allowable Subject Matter

4. Claims 1, 4-11, 13, and 22-23 are allowed.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran

Ellen. Tran
Patent Examiner
Technology Center 2134
19 September 2007

Examiner's Amendment

This listing of the claims will replace all prior versions and listings of the claims in the application:

Listing of Claims:

1. (previously presented) A software application comprising computer executable instructions stored on a tangible computer readable storage medium to be executed by a first computer connected to the Internet for transferring back-up copies of files from the first computer to a second computer connected to the Internet, wherein said first and second computers are linked via the Internet, said software application comprising:

designating instructions executed by the first computer for designating files from the first computer for which back-up copies will be transferred to the second computer, said the first computer and said second computer being Internet-enabled;

identifying instructions executed by the first computer for identifying the the Internet address of the second computer; and

transferring instructions executed by the first computer for transferring back-up copies of the designated files from the first computer to the second computer at the identified location via the Internet wherein the designated files are directly transferred via the Internet;

wherein the designating instructions include

instructions for designating the one or more files to be transferred to the second computer;

instructions for designating a destination identifier associated with the second computer;

instructions for designating storage schedule data for back-up copies; and

instructions for storing back-up copies of the designated one or more files, the designated destination identifier, and/or the designated storage schedule data in an originating database;

wherein the transferring instructions include retrieving storage schedule data to identify one or more back-up times for transferring back-up copies of the designated files from the first computer to the second computer via the Internet,

wherein the identifying instructions include:

instructions for retrieving the destination identifier for querying a server database to identify an Internet Protocol (IP) address of the second computer, said server database being located on a server linked to the first and second computer via the Internet, and wherein the transferring instructions as executed by the first computer use the identified IP address to initiate a communication session with the second computer via the Internet and to transfer the designated files at the designated back-up times.

2. (canceled).

3. (canceled).

4. (previously presented) The software application of claim 1, wherein designating instructions include instructions for displaying a first input form on a display linked to the first computer, said first input form receiving input data from a user, and said input data designating the one or more files to be transferred to the second computer, the one or more back-up times, and/or designating the destination identifier.

5. (original) The software application of claim 1 further comprising encrypting instructions executed by the first computer for encrypting the back-up copies of designated files, and wherein the transferring instructions transfer the encrypted files to the second computer for back-up storage.

6. (previously presented) The software application of claim 5 further comprising:

second designating instructions executed by the first computer for selecting particular designated files stored on the second computer to be retrieved from the second computer; and

retrieving instructions executed by the first computer for retrieving the selected designated files from the second computer directly via the communications network and via the Internet.

7. (original) The software application of claim 6 further comprising decrypting instructions executed by the first computer for decrypting the retrieved files.

8. (previously presented) The software application of claim 1 further comprising receiving instructions executed by the first computer for receiving back-up copies of designated files from the second computer at the identified location via the Internet.

9. (currently amended) A software application comprising computer executable instructions stored on a tangible computer readable storage medium to be executed by a first computer connected to the Internet for storing copies of designated files from the first computer to a second computer connected to the Internet, wherein said first and second computers are linked via the Internet, said software application comprising:

authentication instructions executed by the second computer for authenticating a transfer request received by the second computer from the first computer,

file storage instructions executed by the second computer for storing the designated files on the second computer received in connection with an authenticated transfer request from the first computer,

retrieval instructions executed by the first computer providing a retrieval request to the second computer for transferring one or more stored files from the second computer back to the first computer via the Internet wherein the retrieval instructions include identifying instructions executed by the first computer identifying the Internet address of the second computer; and

second transferring instructions executed by the second computer for transferring one or more stored files from the second computer back to the first computer via the Internet in response to the retrieval request received from the first computer via the Internet.

10. (original) The software application of claim 9, wherein storage instructions include instructions for retrieving storage amount data and file storage data from the destination database, said storage amount data defining a maximum amount of storage space available on the second computer for storing files transferred from the first computer, and said file storage data specifying a current amount of storage space on the second computer being used for storing files

from the first computer, and wherein storage instruction further include instructions for comparing the storage amount data to file storage data to determine if storage space is available, and wherein the one or more files are stored on the second computer if storage space is determined to be available.

11. (original) The software application of claim 10, wherein said authentication instructions include instructions for retrieving first authentication data from the first computer and retrieving second authentication data from the second computer, wherein said first authentication data defines a first password and said second authentication data defines a second password, and wherein authentication instructions further include instructions for comparing the first password to the second password to determine if the passwords match, and wherein the one or more files are stored on the second computer if the first and second passwords are determined to match.

12. (canceled).

13. (previously presented) The software application of claim 11, wherein validating instructions further include instructions for comparing the user defined password to the password data to determine if the defined password is valid, and wherein transferring instructions transfer the one or more requested files to the first computer if user defined password is determined to be valid.

14.-21. (canceled).

22. (previously presented) A system comprising:

A first computer transferring backup copies of its files via the Internet;

A second computer receiving the transferred backup copies of its files via the Internet;

a server for facilitating the connection between the first computer and the second computer, wherein the server, the first computer, and the second computer are linked via the Internet, and wherein the first computer transfers back-up copies of files from the first computer

to the second computer directly via the Internet and not via the server and wherein back-up copies of files on the second computer are restored by transferring back-up copies from the second computer to the first computer directly and not via the server, said server, comprising:

an assigning routine for assigning a unique identification code to each of the first and second computers;

a database for storing the unique identification codes assigned to each of the first and second computers, and for storing a corresponding an Internet Protocol (IP) address of each of the first and second computers, wherein said IP addresses are identified at the time the unique identification codes are assigned and during subsequent connections with the server; and

an identification routine responsive to input data received from the first computer for identifying the IP address of each of the first and second computers as a function of the input data, wherein said input data is the unique identification code of the second computer and wherein said identification routine queries the database to identify the IP address of the second computer, and wherein the first and second computers use the identified IP addresses for initiating a communication session and for transferring back-up copies of files therebetween.

23. (previously presented) The software application of claim 1 wherein the first computer and the second computer are connected via the Internet and not connected by another network.

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